

## REMARKS

### A. Status of the claims

Claims 1-8, 10-11, 14, 17-18, and 20-24, of which claims 1, 7, and 14 are independent, are pending in the present application. Applicants have attached a current version and status of all claims in the Appendix of this response. In the Advisory Action mailed 12.19.02, the Examiner upheld the rejections of the Office Action mailed 9.19.02, where the Examiner (i) rejected claims 1-8, 10, 14-15 and 17-20 under 35 U.S.C. §102(b) and (ii) claim 11 under 35 U.S.C. §103(a).

As set forth, Applicants have amended claims 1-7, 10-11, 14 and 20. The Examiner stated that the recitation of an automotive tubular reflector within previously pending claims was not given patentable weight because it occurred in the preamble (Advisory Action, p. 2). All claims now recite an automotive reflector within the body of the claims. In addition, claim 1 also recites an elongated tubular light source freely positioned within the automotive elongated semi-circular reflector, and that the automotive elongated semi-circular reflector re-directs emanated light to pass through the elongated tubular light source. Similarly, claim 7 recites an automotive half-circle reflector with an elongated tubular light source freely positioned therein. Likewise, claim 14 recites an interior reflecting surface with a plurality of facets that have locations and angles chosen to create a light distribution pattern that complies with automotive signal lighting requirements, and an elongated tubular light source freely positioned in the automotive elongated semi-circular reflector portion so that light emanating from the elongated tubular light source is reflected off of the automotive elongated semi-circular reflector portion and re-directed to pass through the elongated tubular light source.

Applicants have also added new claims 21-24. Applicants submit that the new claims are fully supported by the specification as filed and no new matter has been added. After careful

review of the pending claims and the cited references, Applicants respectfully request reconsideration in view of the following remarks.

**B. The claims are novel over Ishikawa '572**

The Examiner rejected claims 1-8, 10, 14-15, and 17-20 under 35 U.S.C. §102(b) as being anticipated by Ishikawa, U.S. Patent No. 5,584,572 (Ishikawa '572). Applicants submit that Ishikawa '572 does not teach all limitations of the pending claims. In particular, Ishikawa '572 does not teach an automotive reflector, a freely positioned light source, or a half-circle reflector and a multi-faceted reflector.

**1. Ishikawa '572 does not teach an automotive reflector specifically for automotive signal lighting**

In contrast, Ishikawa '572 describes that a “strobe device which employs the reflector embodying the present invention, is used with a camera which utilizes standard 35 mm film.” (Ishikawa '572, Col. 5, lines 6-8). Ishikawa '572 teaches that the illumination obtainable with the reflector corresponds to the frame zone of a 35 mm photographing lens. (Ishikawa '572, Col. 5, lines 9-12). Therefore, the reflector configuration as taught by Ishikawa '572 is solely designed for a specific application, namely a camera reflector, which requires significantly different light distributions than an automotive signal lamp. For instance, Ishikawa '572 explicitly states that since the field of view of a photographing lens is fairly narrow, the strobe device only needs to provide a beam of light, which will provide sufficient illumination over the field of view of the lens. (Ishikawa '572, Col. 1, lines 7-12). Consequently, Ishikawa '572 certainly does not teach or suggest an automotive reflector as in claims 1,7, and 14. Also, Ishikawa '572 does not teach a device with facets of locations and angles chosen to create a light distribution pattern that complies with automotive signal lighting requirements, as in claim 14.

**2. Ishikawa '572 does not teach a freely positioned light source**

In contrast, Ishikawa '572 teaches a reflector which includes a rounded reflecting portion that *contacts* a portion of an outer surface of the light source (Ishikawa, Col. 1, lines 47-56). More particularly, the reflector 18 comprises a rounded portion 20 having reflection surfaces 22a, 22a' contacting a circumferential surface of the light source 16 (Ishikawa, Col. 3, lines 9-19). Therefore, Ishikawa '572 does not teach an elongated tubular light source freely positioned within a reflector as in independent claims 1, 7, and 14 of the present invention.

**3. Ishikawa '572 does not teach an automotive half-circle reflector and a multi-faceted reflector**

Rather, Ishikawa '572 teaches a reflector with a rounded reflecting portion 20 and planar reflecting portions 22, 24. As shown in Figure 1, Ishikawa '572 teaches that the rounded portion 20 is less than a half circle. This must be true since the planar reflecting portion 22 composes a portion of the rounded portion 20 and extends over more than half of the light source; therefore the rounded portion 20 is not half circular. On the other hand, if the planar reflecting portion 22 and the reflecting portion 20 are considered together to be a circular reflector, then Ishikawa '572 fails to teach a multi-faceted reflector as in claims 7 and 14. As a result, Ishikawa '572 does not teach *both* a half-circle reflector and a multi-faceted reflector as in claim 7 and similarly as in claim 1 (an automotive faceted elongated reflector and an automotive elongated semi-circular reflector) and claim 14 (a housing having ... a plurality of facets and an automotive elongated semi-circular reflector).

**C. The claims are novel over Nederpel '595 in view of Ishikawa '572**

The Examiner rejected claim 11 under 35 U.S.C. §103(a) as being unpatentable over Nederpel et al., U.S. Patent No. 5,735,595 (Nederpel '595) in view of Ishikawa '572. However, Applicants submit that neither Ishikawa '572 nor Nederpel '595 teach or suggest all the

limitations of any of the pending claims. In addition, there is no suggestion or motivation to modify or combine the cited references. And to establish a *prima facie* case of obviousness, there must be some suggestion or motivation to modify the cited references, and the cited references must teach or suggest all the claim limitations. (MPEP § 2142).

1. **Neither Ishikawa '572 nor Nederpel '595 teach or suggest all the limitations of the pending claims**

To begin, neither Ishikawa '572 nor Nederpel '595 teach or suggest an elongated light source freely positioned within a reflector, as in pending claims 1, 7, and 14. As explained above, Ishikawa '572 does not teach or suggest a freely positioned elongated light source since the rounded reflecting portion taught in Ishikawa *contacts* the light source (Ishikawa, Col. 1, lines 47-56). Similarly, Nederpel '595 fails to teach the present invention because Nederpel '595 teaches a lamp partly recessed within an elongate niche 13 of a housing 10, and “the lamp 1 is fastened in the niche 13 in a few spots with an adhesive 4.” (Nederpel '595, Col. 3, lines 33-38). Hence, the circular housing and the lamp are joined together as shown in Figures 2 and 3 of Nederpel '595. Therefore, Nederpel '595 does not teach a freely positioned light source, as in the pending claims 1, 7, and 14, but rather a light source that is glued in place.

In addition, neither Ishikawa '572 nor Nederpel '595 teach or suggest a half-circle reflector and a multi-faceted reflector, as in pending claims 7 and 14. As explained above, Ishikawa '572 fails to teach a half-circle and a multi-faceted reflector due to its design of the reflector as taught. In the same way, Nederpel '595 does not teach both types of reflectors. Rather, Nederpel '595 illustrates in Figures 2 and 3 that the niche 13 is not a half-circle. On the other hand, if the niche 13 and the surface 12 (or surface 32) together are considered to be a circular reflector, then Nederpel '595 fails to teach a multi-faceted reflector as in claims 1, 7, and 14. Consequently, similar to Ishikawa '572, Nederpel '595 fails to teach **both** a half-circle

reflector and a multi-faceted reflector as in pending claims 7 and similarly in claims 1 and 14, and as illustrated in Figures 3 and 4 of the present invention.

**2. No suggestion or motivation exists for combining the cited references**

The Examiner states that “[i]t would have been obvious in the one [sic] skilled in the art at the time the invention was made to combine certain reflector structure to a vehicle stop lamp, since Nederpel et al. teaches that it is known in art to have a reflector and it is necessary structure in vehicle lamp device [sic].” (Office Action, 9.19.02, p. 5).

Applicants respectfully traverse. Applicants submit that neither Ishikawa ‘572 nor Nederpel ‘595 suggest to combine a camera reflector structure as taught in Ishikawa ‘572 with the vehicle stop lamp as taught in Nederpel ‘595. Each cited reference relied on by the Examiner is entirely directed to different subject matter. Ishikawa ‘572 is directed to a camera reflector structure for a strobe device that has a housing with a length of only 4mm (Ishikawa ‘572, Col. 3, line 57 and Col. 5, lines 6-8). In extreme contrast, Nederpel ‘595 is directed toward a signaling system suitable for use as a high brake light on a motor vehicle that has a housing that is 16.5x0.43x0.4in<sup>3</sup> to comply with a lamp that has a length of 15.7in (Nederpel ‘595, Col. 3, lines 48-63 and Col. 4, line 6). Certainly, one skilled in the art would not contemplate combining the large structure as taught in Nederpel ‘595 with the small lamp as taught in Ishikawa ‘572.

Furthermore, Applicants submit that it is not obvious to one skilled in the art to combine a camera reflector structure with a vehicle stop lamp. Obviousness can only be established by combining or modifying the teachings of the cited references to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found in the references themselves. (§ MPEP 2143.01). Therefore, the teaching or suggestion to make or arrive at the claimed combination must be found in the cited references, not in applicant’s disclosure because

the references must be viewed without the benefit of impermissible hindsight vision afforded by the claimed invention (§ MPEP 2141 and 2143). Since no teaching or suggestion exists in either Ishikawa '572 or Nederpel '595 to modify their respective reflectors to arrive at the claimed invention, then their combination is improper as to render the present claims obvious.

### **SUMMARY**

In conclusion, it is submitted that Applicants have overcome each of the Examiner's rejections. Therefore, Applicants solicit a notice of allowance.

If for any reason, the application is not considered to be allowable and an interview would be helpful, the Examiner is requested to contact the undersigned at (312) 913-0001.

Respectfully submitted,

**McDonnell Boehnen Hulbert & Berghoff**

Dated: 2/28/03

By:

  
\_\_\_\_\_  
Thomas E. Wettermann  
Reg. No. 41,523